

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Jeffry S. Hower)
923 W. 14th Street)
Grand Island, NE 68801)

N.P.P.C. Case No. 11-05

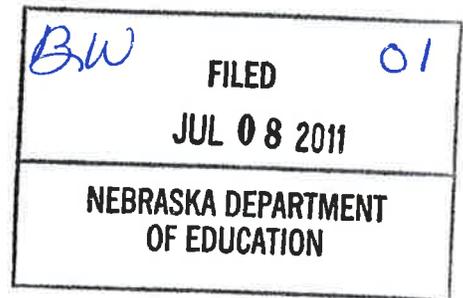
Petitioner,)

vs.)

Roger Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933,)

Findings Of Fact, Conclusions
Of Law, And Recommendation
of the Commission

Respondent.)



I. STATEMENT OF THE CASE

This case commenced before the Professional Practices Commission, hereinafter referred to as the “Commission,” with the filing of a Petition for Reinstatement on March 4, 2011, by Jeffry S. Hower, hereinafter referred to as the “Petitioner.” The Petition was filed against Roger Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as the “Commissioner.”

The Petition alleges that the Petitioner’s two public school certificates number XXX-XX-0563, were revoked by the State Board of Education on the 5th day of February, 2008 for a period of two years. The Petitioner further alleges that he has been employed during the term of his revocation at: Herk’s Welding in Central City, NE; Central City Republican-Nonpareil Newspaper in Central City, NE and Grand Island Berean Bible Church in Grand Island, NE. The Petitioner further alleges that he has fully complied with the Order of Revocation, that he will not in the future engage in any practice which is listed in the statutes or regulations as grounds for revocation or suspension of a certificate, and that he is familiar with the Criteria of Professional Practices adopted pursuant to Neb. Rev. Stat. Section 79-868(2) (Reissue 2003).

On March 14, 2011, the Commissioner, through his General Counsel, filed an Answer to said Petition, admitting the revocation of the Petitioner’s certificate and attaching a copy of the Final Order of Revocation to the Answer. He asked that the Commission hold a public hearing

on the Petition and make an appropriate recommendation to the State Board of Education as is warranted by the evidence.

On or about March 14, 2011, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Petitioner by U.S. Mail, postage prepaid and delivered by hand a copy of the same to the Commissioner's General Counsel. The Notice of Hearing advised that a public hearing on the Petition and Answer would be held on the 15th day of June, 2011, commencing at approximately 10:00 a.m., in the State Board Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Notice further advised that the hearing would be held before a designated hearing committee of the Commission, with Samuel Van Pelt serving as legal counsel to advise the Chair in the performance of his duties.

The Petition and Answer came on for hearing at approximately 10:00 a.m. at the above time and place before a Hearing Panel of the Commission consisting of Commission Members Susan J. Anglemeyer, Robert Beck, Sarah Brown, Susan Johnson, Raymond Keller, Jodi Kupper, Brian Maher, Cindy Serfass, Karen Shelton, Lana Sides, Jane Stavem and Lynn Strack. Commissioner Beck served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared in person. The Commissioner appeared by his General Counsel, Brian L. Halstead. Testimony of witnesses and exhibits were received in evidence. Thereafter, the Petitioner and the Commissioner's General Counsel made their closing arguments.

Thereupon, the Commission adjourned and deliberated based on the record before it, and makes the following Findings of Fact, Conclusions of Law, and Recommendation to the State Board of Education:

II. FINDINGS OF FACT

1. The Petitioner, previously held two public Nebraska certificates: the first being a standard teaching certificate, endorsed in English 7-12 and English as a Second Language K-12; and the second being a standard administrative certificate, endorsed as Principal 7-12, and English as a Second Language K-12, number XXX-XX-0563, with an expiration date of August 31, 2009.
2. From the date of revocation until the date of the hearing, the Petitioner has not violated any laws, and has been gainfully employed.
3. The Petitioner has met the requirements of Neb. Rev. Stat., Section 79-1282 (Supp.1996) and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of teaching certificates, all as required by Neb. Rev. Stat. Section 79-869 (Supp.1996). The Petitioner understands those requirements and has stated that he will not violate nor fail to comply with any of the same if he is issued a new teaching certificate.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

2. The Petitioner has proven by a preponderance of the evidence that he has met all the requirements of Neb. Rev. Stat. Section 79-806 through 79-815 (Reissue 2003), and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of a Nebraska teaching certificate, all as required by Neb. Rev. Stat. 79-869 (Reissue 2003).

3. The Petitioner has further proven by a preponderance of the evidence that he should be allowed to apply to the State Department of Education for the issuance of a new certificate.

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that Jeffry S. Hower has met all of the statutory and regulatory requirements for the issuance of a Nebraska public schools teaching certificate, and that he accordingly be allowed to apply for the same before the Commissioner of Education, State of Nebraska.

Dated this 8th day of July, 2011.



Robert Beck, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation of the Commission was served upon Petitioner, Jeffrey S. Hower, by U.S. Mail, postage prepaid. It was also hand delivered to Brian Halstead, General Counsel for the Commissioner, on this 8th day of July, 2011, at the following addresses.

Jeffrey S. Hower
Petitioner
923 W. 14th Street
Grand Island, NE 68801

Brian L. Halstead
Attorney for Respondent
301 Centennial Mall South
Lincoln, NE 68528



Kathi Vontz
Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

IN THE MATTER OF THE
REINSTATEMENT OF

Jeffry S. Hower
923 W. 14th Street
Grand Island, NE 68801

Case No. 11-05

TRANSCRIPT

VOLUME I of I
(Pages 1 through 28)
EXHIBITS 1-3

Nebraska State Office Building
301 Centennial Mall South
Department of Education Board Room
Sixth Floor
Lincoln, NE

Convened, pursuant to notice, at 10:30 a.m., on
June 15, 2011,

BEFORE:

ROBERT BECK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

BRIAN MAHER, Chairperson; SUSAN ANGLEMEYER; SARAH
BROWN; SUSAN JOHNSON; RAYMOND KELLER; JODI KUPPER; CINDY
SERFASS; KAREN SHELTON; LANA SIDES; JANE STAVEM; and LYNN
STRACK.

OTHERS PRESENT:

KATHI VONTZ, Clerk of the Commission

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES:

Direct Cross Redirect Recross

FOR THE PETITIONER:

Jeffry Hower	7	--	--	--
Dr. Kent Mann	14	--	--	--

- - -

EXHIBITS:

Marked Offered Ruled On Found

1 Pleadings (14 pages)	5	6	6	Appendix
2 Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	5	6	6	Appendix
3 Title 95, Nebraska Administrative Code, Chapter 2 (11 pages)	5	6	6	Appendix

- - -

Appearances	2
Reporter's Certificate	4
Closing Statement by Mr. Hower	17
Closing Statement by Mr. Halstead	19
Motion	26
Decision	28

- - -

1 PROCEEDINGS:

2 (Exhibits 1 through 3 were marked for
3 identification.)

4 THE HEARING OFFICER: Ladies and gentlemen, I am
5 Robert Beck, chairperson of this hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 10:30 a.m. for the purpose of receiving evidence
8 on a petition filed by Jeffry Hower, Petitioner, against
9 Roger D. Breed, Commissioner of Education, Respondent, Case
10 No. 11-05.

11 The members of the hearing committee are Susan
12 Anglemeyer, Sarah Brown, Susan Johnson, Raymond Keller, Jodi
13 Kupper, Brian Maher, Karen Shelton, Lana Sides, Jane Stavem,
14 Lynn Strack, and Cindy Serfass.

15 The Commission's attorney is absent.

16 The court reporter is Wendy Cutting. Her purpose
17 is to record the testimony of the witnesses and mark the
18 exhibits.

19 The Clerk of the Commission is Kathi Vontz. Her
20 purpose is administrative.

21 This case arises from a request by the State Board
22 of Education that the Commission hear this matter pursuant
23 to Sections 79-859 through 79-871 of the Nebraska statutes
24 and the rules and regulations thereunder.

25 At this time, I ask the attorneys to make their
08.11.11 State Board of Education 7.12-10

1 presence.

2 MR. HOWER: My name is Jeffry S. Hower, I'm at
3 923 West 14th Street in Grand Island, Nebraska 68801.

4 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
5 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
6 the Commissioner of Education.

7 THE HEARING OFFICER: At this time, if there are
8 no objections, I will enter into the record the pleadings
9 which are marked as Exhibit 1; the standards of ethics and
10 competency, which is 92 Nebraska Administrative Code,
11 Chapter 27, and is marked as Exhibit 2; and the regulations
12 concerning teacher and administrator certificate
13 reinstatement, which is 95 Nebraska Administrative Code,
14 Chapter 2, and is marked as Exhibit 3. Are there any
15 objections?

16 MR. HOWER: I have no objections, sir.

17 MR. HALSTEAD: I have no objections.

18 THE HEARING OFFICER: Exhibits 1, 2, and 3 are
19 received.

20 (Exhibits 1 through 3 were received in evidence.
21 See Index.)

22 THE HEARING OFFICER: Would you like to make an
23 opening statement?

24 MR. HOWER: I would, thank you. Ladies and
25 gentlemen of the Commission, I appreciate the time and the

1 chance to be --

2 THE HEARING OFFICER: We'll take just a minute and
3 have you sworn in.

4 MR. HOWER: Absolutely.

5 THE REPORTER: Do you solemnly swear or affirm the
6 testimony you're about to give will be the truth, the whole
7 truth, and nothing but the truth?

8 MR. HOWER: I so affirm.

9 JEFFRY HOWER

10 Called as a witness on his own behalf, having
11 first affirmed, testified as follows:

12 OPENING STATEMENT AND DIRECT TESTIMONY

13 BY MR. HOWER:

14 Again, thank you for the opportunity to share with
15 you this morning. In July of 2007, my world fell apart and
16 things that I had long believed about myself and about who I
17 was as a professional crashed to the ground as I was found
18 to be accessing pornography on district time and with
19 district materials. I remember clearly the day that Dr.
20 Mann, who was my Grand Island Senior High principal, came to
21 my office and we visited. And I remember driving home,
22 having to tell my wife what was going on. And those were
23 the darkest days in my life. It was an egregious lack of
24 moral responsibility. It was an egregious lack of
25 professionalism. It was something that I was deeply ashamed

1 of and deeply remorseful for and continue to be so to this
2 day. But by the grace of God and the grace of friends and a
3 loving wife and family I began to climb out of the hole
4 where I had put myself. We immediately entered counseling.
5 We did some very intensive counseling, my wife and I
6 together, because even though this was my failure, it deeply
7 impacted her and our family. And we attended an intense
8 session, as I said with a man named Ron Robison in Alma,
9 Nebraska, a Christian Concepts in Counseling counselor, and
10 began to reestablish for ourselves as a family and for
11 myself as a man, a sense of who I wanted to be and what I
12 needed to be for both my family and my profession.

13 After that counseling, which was immediate, it was
14 the first of August of 2007, I embarked on a continuous
15 phase of counseling with my pastor and in turn, also
16 established some accountability with him and with a couple
17 of other guys in our church.

18 As you know the process, it was six months before
19 I appeared before this Commission in December of 2007, I
20 believe. It might have been a couple of months after that.
21 But my certificate -- administrative certificate was revoked
22 for a period of two years from that time, and the dates on
23 that would have been from, I believe, March of 2008 to March
24 of 2010. And during that time, I continued to follow what I
25 believed to be the spirit and the letter of the intent of

1 the revocation. I worked as a welder for two years, two and
2 a half years, during that time period. And for the first
3 year and a half or so, I sat at a table welding brackets and
4 had plenty of time to think about the fact that, number one,
5 that welding brackets was not really what I wanted to do
6 with my future, but also had plenty of -- it was really a
7 God-given opportunity to think and reflect on who I was,
8 what I had done, and what I knew to be true. And that is, I
9 never, ever again wanted to be the man that did that to my
10 wife and family. I stabbed them in the back, and then, of
11 course, I stabbed the good people of the State of Nebraska
12 in the back for trusting me with that certificate in the
13 first place and just abused their trust. And so, I had a
14 lot of opportunity to think about that in counseling,
15 in -- and during that time when the most thought-provoking
16 thing I had to do was decide how many parts I needed to
17 make.

18 After about a year and a half welding, our
19 company, it's a small company in Central City, Nebraska,
20 purchased irrigation supply company in Alda, Nebraska, on
21 the east side -- I'm sorry, west side of Grand Island. And
22 they asked me to manage that new venture. And so, for a
23 year and a half or so, I managed that venture for the
24 partners that owned Herk's Welding in Central City. And
25 during that time, I was responsible for five full-time

1 employees for paperwork, for bookwork, for sales, for
2 arranging service kinds of opportunities, did payroll, and
3 all in all was the general manager of A&G Pipe, which is an
4 arm of Herk's Welding. And that took me through March of
5 2010, which was the term instated by the Commission during
6 which my certificate was revoked.

7 I'm going to forestall one of Mr. Halstead's
8 questions here. My income was reduced by a good half when
9 my certificate was revoked, and so I did not attend any
10 college courses or work on any professional development
11 during that time. I am perfectly willing and ready to do
12 so, if that's part of what needs to happen to reinstate the
13 certificate.

14 In March of 2010, actually, probably in January of
15 that year, our church found itself in need of a youth
16 pastor. And if you had asked me in 2007 if I had
17 ever -- would ever think of getting to that point in my
18 life, I would have told you no. And yet, over an intense
19 period of time in which I reestablished the right kind of
20 relationship with my wife during which I worked incredibly
21 closely with counselors, I began, as I said earlier, to pull
22 myself out of that hole. And friends and my wife and the
23 Lord helped me pull through. And so, at that point last
24 year when our pastor approached me about the opportunity to
25 work with kids again, which is a heartfelt, deep felt

1 longing of mine to work with kids and to help them through
2 the pitfalls that we all go through, I accepted the offer of
3 Berean Bible Church to take the youth pastorate position in
4 the church and have worked in that position full-time since
5 March of last year. During that time, I've been responsible
6 for regular and special youth meetings and activities,
7 counseling of youth. I work with and oversee the Christian
8 education, Sunday School curriculum, teaching positions in
9 the church.

10 And one of the things that has been a blessing and
11 a surprise to me has been the fact that I've been able to
12 work very closely with various other men who are going
13 through the same kinds of things with porn that I did and
14 have been able to see an impact in their lives to do the
15 honorable thing and to reestablish themselves as men and in
16 their relationships with their wives. And so that's been a
17 ministry, an opportunity that's been very close to my
18 heart.

19 In addition, during the last two and a half years
20 or so, I worked part-time writing the news and the sports
21 for the Central City Nonpareil, which is a weekly paper, so
22 I had total responsibility for all the news and the sports
23 for that newspaper, wrote a weekly column, as well.

24 A friend and I, in fact, a former colleague from
25 Grand Island Senior High and I are researching a historical

1 work. We're looking at the contributions of Nebraska and
2 small town Nebraska, in particular, during World War II and
3 beyond into the current Iraq War. So, we spend quite a lot
4 of time talking with people and interviewing and we're
5 putting together a work there. And I have plans for some
6 children's literature, developmental reader kinds of things.

7 In addition, pending the results of this
8 recertification hearing, I've been offered the position of
9 teaching English 9-12 in a school called Nebraska Christian
10 Schools -- Nebraska Christian High School in Central City,
11 Nebraska. I've got a long relationship with the school. My
12 wife and I were dorm supervisors there. And, in fact, when
13 my certificate was revoked, I was working as a consultant in
14 the residence program at Nebraska Christian, as well.

15 Immediately went to the superintendent, even before the
16 certificate was actually formally revoked, went to the
17 superintendent and visited with him about what I had done,
18 the mistakes I had made. And so, did not work with them for
19 the last three years or so. That superintendent came to me
20 this spring and said, "Hey, we've got an English opening.
21 Are you interested?" And while I knew that I always wanted
22 to get back into teaching, I had not -- I'd visited with Dr.
23 Mann a little bit about possibilities of going back to
24 Senior High, but this came together. He offered me the
25 position and I interviewed and accepted. And so, again,

1 pending this certification hearing, I'm ready to get back
2 into the field that I've trained and prepared for and
3 believe that I'm pretty good at.

4 So, that's about what I have to share for an
5 opening statement. Thank you.

6 THE HEARING OFFICER: We missed your opening
7 statement. Did you want to give it?

8 MR. HALSTEAD: I'd waive an opening statement, and
9 since Mr. Hower was paying attention, I don't have any
10 questions for him.

11 (Laughter.)

12 He answered all the questions I was going to ask
13 him.

14 THE HEARING OFFICER: Did you have any other
15 evidence or witnesses you'd like --

16 MR. HOWER; I did not bring evidence by way of
17 letters of recommendation. I did bring -- I asked Dr. Kent
18 Mann, principal of Grand Island Senior High to sit in and
19 share with you statements on my behalf.

20 THE REPORTER: Do you solemnly swear or affirm the
21 testimony you're about to give will be the truth, the whole
22 truth, and nothing but the truth?

23 DR. MANN: I do.

24 DR. KENT MANN

25 08.14.11 State Board of Education Called as a witness on behalf of the Petitioner,
7.12.18

1 having been first duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. HOWER:

4 Q Dr. Mann, thank you for coming. Would you please
5 state your name, your position, and how we know each other,
6 as well as anything you'd like to share?

7 A I will. My name is Kent Mann. I live at 1603
8 Zola Court, Grand Island, Nebraska 68803. I am currently
9 the principal at Grand Island Senior High School and have
10 served in that capacity for the last 19 years. In 1997, I
11 recruited and hired Mr. Hower to be a member of our staff.
12 He was hired to be an ELL teacher, English as a second
13 language teacher. Shortly after that assignment, he was
14 transitioned into the communicative arts department, taught
15 upper level English. And then later in our career or our
16 tenure together, he became Dean of Students, started as a
17 part-time teacher, part-time dean, and then it transitioned
18 into a full-time position as Dean of Students at Grand
19 Island Senior High School. So, I've known him and worked
20 with him for ten years professionally, and, of course,
21 maintained contact and interacted with him during the period
22 of his revocation.

23 As you know, Mr. Hower violated our district
24 policy related to use of school equipment, specifically a
25 violation of use of computer for restricted sites on the

1 Internet with his laptop. The sanction for his violation
2 was a two-year revocation, and as a result, cost him his job
3 with the Grand Island Public Schools.

4 I believe that Mr. Hower has recognized the error
5 of his ways, the indiscretion with his judgment. And I'm
6 convinced that he is -- has regret for the decision that
7 he's made. As you've heard, he sought professional
8 counseling. He's worked with mentors for professional
9 support and continues to have interaction and dialog about
10 the issues that brought him to this point.

11 I think it's important to note that in his
12 testimony, he mentioned the revocation of his certificate
13 for access of pornographic material, and that's true. And
14 at the same time, I would also want to note that the
15 material that he did access in violation of our school
16 policy on school equipment, is not illegal for an adult to
17 possess. He was not charged with a crime for possession of
18 that material. And it's the same kind of material that you
19 could walk out of this building down the street to the Quik
20 Shop on R Street and purchase over the counter for less than
21 \$5. I'm not suggesting that the severity of his actions
22 should not have been addressed. I'm simply saying that in
23 the bigger scheme of things, the connotations that may come
24 with the term "pornographic material" may be more severe
25 than the situation that actually occurred.

1 I believe that Mr. Hower has completed the terms
2 and conditions of the sanctions that have been issued. He's
3 sought professional counseling and he continues to work with
4 personal counselors and mentors. Given the opportunity as
5 an administrator to hire Mr. Hower again, I would do so
6 without reservation. I believe in his capacities. I
7 believe in his abilities. And I believe that he has
8 successfully addressed the issues that brought him to the
9 revocation.

10 So, I would respectfully request that you consider
11 reinstatement of his certificate and bring that
12 recommendation to the State Board of Education. Thank you.

13 MR. HOWER: Thank you very much.

14 THE HEARING OFFICER: Did you have any questions
15 of this witness?

16 MR. HALSTEAD: Well, I'd love to ask him how he
17 knows he can go to 17th and R to the Quik Shop and get the
18 porn for five bucks or less.

19 (Laughter.)

20 But I'm not going to ask that question. I have
21 none for him. Thank you.

22 THE HEARING OFFICER: Do any members of the
23 Commission have a question --

24 COMMISSIONER JOHNSON: I had a question. If you
25 had him working in your school system again, how do you

1 handle parents knowing the information about his past?

2 THE WITNESS: Typically when there are issues
3 related to teacher credibility or parent concerns on the
4 part of an instructor, there would be a conference. We'd
5 have a conference with the parent, with the concerned
6 persons. Probably would not involve the teacher in the
7 first conference; however, I wouldn't exclude that as a
8 possibility at some point down the road. And the focus of
9 the conference would be the concern itself. Is the concern
10 based on a performance issue in the classroom? Is it a
11 concern based on matters, performance outside of the
12 classroom? But I think the strategy would be the strategy
13 that we've always used, what's the concern? Let's look at
14 the issue and try to see if we can't resolve the question to
15 your satisfaction.

16 THE HEARING OFFICER: Any other questions?

17 (No response.)

18 Did you have any other closing statements or
19 anything you would like to say?

20 MR. HOWER: Well, I would like to say something,
21 but I would also like to let Mr. Halstead have a closing
22 statement since I yanked the opening statement out from
23 under him.

24 MR. HALSTEAD: I'd let him proceed, if he's got
25 any closing he wants to make.

1 MR. HOWER: Again, I just thank you for the
2 opportunity to be here. I've taken full responsibility for
3 what I did, continue to do so. I'll never forget, in my
4 initial hearing when the revocation was under consideration
5 in this very room with this very body, made up of different
6 people at the time. I'll never forget when, as we prepared
7 for things to get going and there was conversation around
8 the table, around those desks and I was sitting in this
9 seat, there was a brand new Department of Education flyer
10 that was going around and one of the gentlemen where you're
11 sitting was looking through it and commented to one of the
12 ladies, "Wow, you're in here so much, I was looking for a
13 centerfold." And it struck me then that I never want to be,
14 never want to assume the position or the person, the
15 character that flippantly thinks that that sort of -- that
16 porn in general, that that sort of activity has any place
17 either in my life as a professional or in my life as a
18 person. That incident highlighted for me how much we've
19 come to accept some of those things, and I know that I never
20 want to be in the position of doing that to my wife again.

21 And so, in terms of where I go from here, I humbly
22 request that you consider reinstatement, and I also
23 understand if that's not the case. I've grown as a person
24 and in my relationship with my family to know that the last
25 three years have been worth it in terms of where I am as a

1 person, because I'm a different person now than I was.

2 Thank you.

3 THE HEARING OFFICER: Thank you.

4 Do you have any --

5 MR. HALSTEAD: Just very briefly. I think this
6 case and the prior two cases kind of demonstrates the tough
7 role you're in sometimes when the case first comes to you,
8 because all of the individuals are human beings. As
9 educators, you all have big hearts. You're always looking,
10 do I really need to revoke the certificate? Is this going
11 to do any good? And so far this morning, the first three
12 cases where you, in fact, did the right thing in my opinion
13 by revoking them, I think you've got the opportunity so far
14 to see from three educators how that actually helped them be
15 better people. Sometimes it's real easy for me, the
16 prosecutor, to sit here and ask for revocation, revocation,
17 revocation, and not understand that there is a real value in
18 that. And for some of these individuals, it's a good
19 learning experience for them. I think, as Mr. Hower here is
20 example and it was an opportunity for him to reflect on his
21 entire life. And I think you clearly have evidence today
22 that shows the action you took three years ago was the
23 correct action. And it's led him to other opportunities in
24 his life he never would have experienced otherwise. So I
25 think sometimes, like I said, it's easy for me to sit here

1 "Revocation, revocation," and be the evil prosecutor, but
2 sometimes you can see the value of that in your own
3 decisions and how that can better people. So, with that, I
4 have nothing further to say.

5 THE HEARING OFFICER: Does anyone on the committee
6 have any other questions for Mr. Hower?

7 COMMISSIOENR STAVEM: As you look forward and
8 possibly going back into a school setting and maybe some
9 things that you've already done, your accountability
10 measures, what would you foresee as some steps that you
11 would take initially to set up that accountability piece
12 with the people that you would be working on, so that you
13 have measures in place right away to safeguard you and to
14 help you avoid those kind of situations? And when I think
15 about that, I think about access as you already understand,
16 and how much we are bombarded, how would you propose doing
17 that back in the school setting?

18 MR. HOWER: Well, there are a number of pieces and
19 obviously, filtering software and those kinds of things have
20 a lot to do with it. In this particular case, the
21 information that's entered in the classroom computer is on
22 an internal server in the office area, and so that -- I'm
23 glad you asked that, because one of the key things that I've
24 been working on ever since is understanding that pornography
25 is an addiction, much as anything else. And so that the

1 more I remove myself from any temptation, the more steady
2 I'll be able to hold the course. And so, filtering software
3 and a -- I don't know, a shared server or whatever you want
4 to call it is one small technological piece of the puzzle.

5 And yet, there are things that my wife and I do
6 such as any computer work that I'm doing at home is done out
7 in the middle of everything. And that's one of the things,
8 as I analyzed my life prior to 2007, too much alone time or
9 closeted time with the computer is not a good thing. And so
10 that's one of the things that we've worked on together. I
11 currently work on a computer at church and one of the things
12 that I've done in just ensure that the screen is visible all
13 the time. And for me, it's not so much anymore, after a
14 couple of years of steady work, it's not so much anymore
15 that I struggle with the same issues I once did. And yet,
16 I've made conscious choices to make sure that I'm in a
17 position, even physically, to not run into those
18 temptations. And so, limiting alone time, just the physical
19 positioning of the screen is an important part of it, as
20 well as the software things, but most importantly, my wife
21 and I talk every day, and obviously, as Mr. Halstead said,
22 this very public humiliation is a good thing in my life,
23 because it brought all of the issues right to the table so
24 that my wife and I could work through them together and
25 that's made an important difference in our life in terms of

1 even the kind of open communication we can have and the way
2 that we can talk with each other about the issue. That was
3 all more hidden and secretive at one point. And so, a
4 combination of all of those things as well as a very heavy
5 reliance on my faith, is -- has worked for three and a half
6 years and will continue to.

7 I'm not sure if that answered your entire
8 question.

9 COMMISSIONER STAVEM: It does. And I think it
10 also gives you unique skills and perspectives that will help
11 you as you help others, whether it be students, families.

12 MR. HOWER: We've definitely seen an opportunity
13 both individually and as a couple to work with families who
14 have been ripped apart by the same thing.

15 COMMISSIONER STAVEM: Thank you.

16 MR. HOWER: Thank you.

17 THE HEARING OFFICER: Anyone else?

18 COMMISSIONER KUPPER: You were eligible to request
19 petition reinstatement a year ago. Is there a reason why
20 you didn't --

21 MR. HOWER: Not particularly. I wanted to --

22 COMMISSIONER KUPPER: -- come forward --

23 MR. HOWER: Number one, I wanted to make sure
24 that -- I'm sorry, were you finished with the question?

25 COMMISSIONER KUPPER: I wasn't, but that's okay,
08.11.11 State Board of Education 7.12.27

1 go ahead.

2 MR. HOWER: No, please.

3 COMMISSIONER KUPPER: I just wanted to finish the
4 sentence. Why you didn't come forward immediately when you
5 said earlier that your passion for working with children had
6 continued, and so in my perception, that would have meant
7 that as soon as you were eligible, you might have returned
8 back to this Commission to ensure that that would take
9 place.

10 MR. HOWER: Sure. One of the things that
11 motivated waiting was the desire to make 100 percent sure
12 that our family was ready for, again, another change in
13 employment is one part of it. Making sure that my wife and
14 I were ready together to face the future and the, much as
15 you've asked me today, the -- make sure that we had in place
16 those bonds of trust and the strategies to ensure that we
17 were continuing forward and not sliding back.

18 And then, I wanted to make sure, also, that what I
19 was going through and what I was preparing for was a very
20 real change and not artificially bound by some two-year,
21 three-year, whatever term of the revocation, I wanted to
22 make sure that it wasn't a response to an artificial-imposed
23 sanction and that, more importantly, we are ready to go
24 again. And so, in the process of counseling and
25 accountability and just continuing to build relationships

1 with my wife and with my mentors, just have arrived at the
2 point where, number one, I believe I'm ready to go back into
3 the classroom and have also abided by, even in excess to
4 the -- with the terms of the revocation set forth.

5 COMMISSIONER KUPPER: Had your decision come
6 before or after you were contacted about the position?

7 MR. HOWER: Actually, I had visited with Dr. Mann
8 early in the spring and he didn't know yet what his teaching
9 staff was going to look like and how many positions he might
10 have to work with. And so, I always knew that I would be
11 applying this spring for reinstatement. And, in fact, the
12 letter of application to this Commission was made after I
13 was offered the job, but it was not because of -- it was not
14 a result of being offered the job. I already knew that that
15 was my next step.

16 COMMISSIONER SHELTON: Mr. Hower?

17 MR. HOWER: Yes.

18 COMMISSIONER SHELTON: What do you know or suspect
19 you will need to do to become current with educational
20 practices, best practices within your discipline area, in
21 student management, as you transition or hope to transition
22 back?

23 MR. HOWER: I would imagine that there will be
24 some coursework and I need to find out if that's going to
25 include, you know, the typical professional development

1 kinds of, you know, six- or nine-credit-hour kind of things
2 or if there's going to be more than that. I don't know, but
3 that's my next step after we find out what the results of
4 this recommendation are.

5 COMMISSIONER SHELTON: As you think about since
6 the time you've been absent, what might you suspect has
7 changed within the educational setting that you'll have to
8 address?

9 MR. HOWER: I have watched what's going on in
10 education and know that as President Bush left office,
11 there's been some re-examining of No Child Left Behind and
12 not really specifically that I've heard any changes to the
13 mandate yet, but there are -- there's at least a desire to
14 look at that legislation and figure out if that's really
15 working, so I know that in terms of legislation and
16 requirements of school districts, that there will be some
17 changes there.

18 I also -- part of what I did during my tenure at
19 Grand Island Senior High had a lot to do with curriculum
20 development and instruction in the classroom, so I've
21 watched some of the things that the Grand Island district
22 has done in the time that I've been away from it, and
23 recognize them as sort of the next steps of some things that
24 we were already doing in terms of data collection and
25 assessment. And so, while I'm not versed in all the ins and

1 outs of some of those things, I do know that there have been
2 some refinements of work that I was involved in when I was
3 there.

4 THE HEARING OFFICER: Any other questions?

5 (No response.)

6 The hearing committee will now adjourn and will
7 consider the evidence. The hearing committee's decision
8 will be reduced to writing. A copy of the hearing
9 committee's findings, conclusions, and decision will be
10 furnished to the parties. If the decision includes a
11 recommendation to allow the petitioner to apply for a new
12 certificate, the findings, conclusions, and recommendation
13 will be presented to the State Board of Education.

14 I now declare this hearing adjourned at 11:08 a.m.

15 (Whereupon, the hearing was adjourned at 11:08
16 a.m. to be reconvened after executive session and
17 deliberation of the evidence.)

18 (Back on the record at 3:39.m.)

19 CHAIRPERSON MAHER: Is there a motion regarding
20 the Commission's recommendation on Case No. 11-05? That is
21 the Hower case.

22 COMMISSIONER KELLER: Yes, there is. I move that
23 the Nebraska Professional Practices Commission adopts the
24 findings of facts and conclusions of law and recommend to
25 the State Board of Education that Jeffrey Hower be allowed

1 to apply for issuance of a public school teaching
2 certificate.

3 CHAIRPERSON MAHER: Is there a second?

4 COMMISSIONER BECK: I'll second it.

5 CHAIRPERSON MAHER: Discussion on this matter?

6 (No response.)

7 It has been moved and seconded to accept the
8 findings of fact and conclusions of law and recommend that
9 Jeffrey Hower be allowed to apply for issuance of a
10 certificate. Is there discussion?

11 (No response.)

12 Will the clerk please call the roll?

13 THE CLERK: Anglemeyer.

14 COMMISSIONER ANGLEMEYER: Yes.

15 THE CLERK: Beck.

16 COMMISSIONER BECK: Yes.

17 THE CLERK: Brown.

18 COMMISSIONER BROWN: Yes.

19 THE CLERK: Johnson.

20 COMMISSIONER JOHNSON: Yes.

21 THE CLERK: Keller.

22 COMMISSIONER KELLER: Yes.

23 THE CLERK: Kupper.

24 COMMISSIONER KUPPER: Yes.

25 THE CLERK: Maher.

1 CHAIRPERSON MAHER: Yes.

2 THE CLERK: Serfass.

3 COMMISSIONER SERFASS: Yes.

4 THE CLERK: Shelton.

5 COMMISSIONER SHELTON: Yes.

6 THE CLERK: Sides.

7 COMMISSIONER SIDES: Yes.

8 THE CLERK: Stavem.

9 COMMISSIONER STAVEM: Yes.

10 THE CLERK: Strack.

11 COMMISSIONER STRACK: Yes.

12 (Whereupon, at 3:40 p.m. on June 15, 2011, the
13 proceedings were concluded.)

14 - - -

15

16

17

18

19

20

21

22

23

24

25

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Jeffry S. Hower)
923 W. 14th Street)
Grand Island, NE 68801)

Petitioner,)

vs.)

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South – 6th Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933,)

Respondent.)

NPPC Case No. 11-05

NOTICE OF HEARING

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Jeffry S. Hower on March 4, 2011, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Wednesday, the 15th day of June, 2011, commencing at 10:00 a.m. or immediately following the preceding hearing.

Commission members of the Nebraska Professional Practices Commission will hear and consider the case.

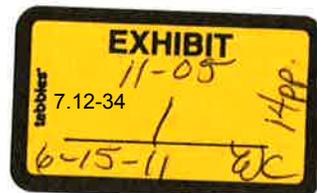
Samuel Van Pelt, Route 1, Box 169, Hickman, Nebraska 68372 has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated March 14, 2011

Robert Beck, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



By Kathi Vontz, Clerk of the Commission
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated March 14, 2011, for Case Number 11-05, was mailed to Jeffrey S. Hower, Petitioner, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Respondent, on this 14th day of March, 2011, at the following addresses.

Jeffrey S. Hower
Petitioner
923 W. 14th Street
Grand Island, NE 68801

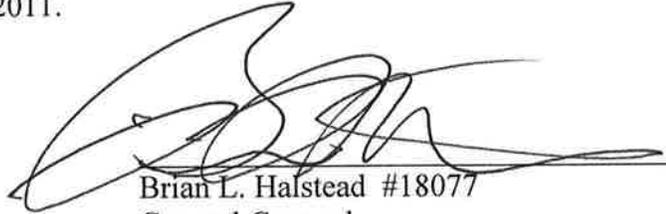
Brian Halstead
Attorney for Respondent
301 Centennial Mall South
Lincoln, NE 68509



Kathi Vontz
Clerk of the Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the parties of record,
postage prepaid, this 14th day of March 2011.



Brian L. Halstead #18077
General Counsel
Nebraska Department of Education

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Douglas D. Christensen)
Commissioner of Education)
P.O. Box 94933)
Lincoln, NE 68509,)
)
Petitioner,)
)
v.)
)
Jeffry Hower)
2462 11th Road)
Archer, NE 68816,)
)
Respondent.)

NDE Case No. 07-32

FINAL ORDER

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on February 5, 2008, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school certificate of the Respondent, Jeffry Hower, be revoked for a period of two (2) years. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Brian L. Halstead, General Counsel, who presented a statement on behalf of the Commissioner of Education, and Kathi Vontz, Clerk of the NPPC. The Respondent did not appear, but did submit a letter on his behalf.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received into evidence as "Exhibit 2." A letter from Respondent received by the State Board of Education on January 31, 2008, was received into evidence as "Exhibit



3." Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. Section 79-866 (Reissue 2003);

2. The Petitioner is Douglas D. Christensen, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509. The Respondent holds two public Nebraska certificates, number XXX-XX-0563. The first certificate is a standard administrative, endorsed as Principal 7-12, English 7-12, and ESL K-12, with an expiration of August 31, 2012. The second certificate is a standard teaching, endorsed in English 7-12 and ESL 7-12, with an expiration date of August 31, 2009;

3. The Respondent was employed as the Dean of Students by the Grand Island Public schools until his resignation was accepted by the Grand Island Board of Education on August 9, 2007;

4. During June and July 2007, the Respondent used school district equipment to access sexually explicit material;

5. The Respondent has violated Section 79-866(2) (Reissue 2003), which states in pertinent part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, Nebraska Administrative Code, Chapter 27, Section 004.04B (effective date: November 12, 2003) ("the educator . . .

shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities"); Section 004.04E (same effective date) ("the educator. . . shall not commit any act of moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"); Section 004.04F (same effective date) ("the educator . . . shall, with reasonable diligence, attend to the duties of his or her professional position"); Section 004.06G (same effective date) ("the educator . . . shall use time on duty and leave time for the purpose for which intended"); and Section 005.02C2 (same effective date) ("each administrator shall . . . adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator");

6. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) to revoke the Respondent's certificate for a period of two (2) years; and

7. The public school certificates of Jeffrey Hower, number XXX-XX-0563, the standard administrative certificate endorsed as Principal 7-12, English 7-12, and ESL K-12, with an expiration of August 31, 2012, and the standard teaching certificate endorsed in English 7-12 and ESL 7-12, with an expiration date of August 31, 2009, shall be revoked for a period of two (2) years beginning this date.

Dated this 5th day of February, 2008.

STATE BOARD OF EDUCATION

BY: Fred Meyer
Fred Meyer, President

The vote by the State Board of Education to approve the Final Order in Case No. 07-32, on February 5, 2008, was 7 in favor, _____ against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: F. Meyer, K. Imes, R. Evnen, K. Winterer, J. Scheer, P. Timm and J. Higgins

AGAINST: _____

ABSTAINING: _____

ABSENT: C. Woods Harris

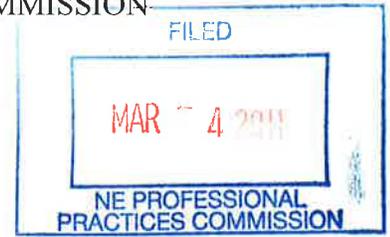
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Jeffry Hower, 2462 11th Road, Archer, NE 68816, via United States mail; Kathi Vontz, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Brian L. Halstead, General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 5th day of February, 2008.

Brenda L. Wid

49-021-20

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA



IN THE MATTER OF THE)
REINSTATEMENT OF:)
)
)
)
)
Jeffry S. Hower)
)
_____)
923 W. 14th Street)
Grand Island, NE 68801)

11-05
NPPC Case No. ~~07-12~~
Case No. 07029

PETITION FOR REINSTATEMENT

The undersigned Petitioner for reinstatement of a revoked Nebraska teaching, administrative and supervisory, or special services counseling public school certificate alleges:

1. Standard Admin Certificate 2005004773 (English 7=12, ESL K-12, Prin. 7-12) Expires: 08/31/2012
Social Security # 455-75-0563

2. By a preponderance of the evidence, just cause exists pursuant to Neb Rev. Stat. Section 79-866(2) (Reissue 2003) to revoke the Respondent's certificate for a period of two (2) years, and the public school certificates of Jeffry Hower, number XXX-XX-0563, the standard administrative certificate endorsed as Principal 7-12, English 7-12, and ESL K-12, with an expiration of August 31, 2010, and the standard teaching certificate endorsed in English 7-12 and ESL 7-12, with an expiration date of August 31, 2009, shall be revoked for a period of two (2) years beginning this date (February 5, 2008).

3. Grand Island Berean Bible Church
4116 West Capital Avenue
Grand Island, NE 68803
308-382-7881
March 1, 2010 to present

Central City Republican-Nonpareil newspaper
Jensen Publishing
802 C Avenue
Central City, NE 68826
308-946-3081
August, 2008 to present

Herk's Welding
620 16th Street
Central City, NE 68826
308-946-3761
August, 2007 to February 28, 2010

4. Jeffry S. Hower
923 W. 14th Street
Grand Island, NE 68801
308-384-2299

Scott Friesen
08.11.11 State Board of Education
1118 Division Street

Grand Island, NE 68801
308-380-5190

Kenton B. Mann
Grand Island Senior High
2124 N. Lafayette Ave.
Grand Island, NE 68803
308-385-5950

5. Petitioner has fully complied with the Order of Revocation, that he or she will not in the future engage in any practice which is listed in the statutes as grounds for revocation or suspension of a certificate, and that he or she is familiar with the criteria of professional practices adopted pursuant to 79-868.

Applicant affirms the statements in this Petition are true, correct, and complete to the best of his knowledge and belief.

Dated this 25th Day of February, 2011.



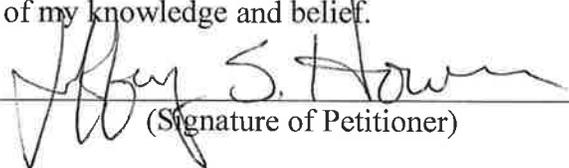
(Signature of Petitioner)

Jeffrey S. Hower
923 W 14th Street
Grand Island, NE 68801
308-382-2299

VERIFICATION

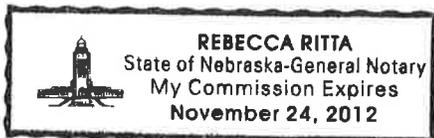
State of Nebraska)
)
County of Hall)

I, Jeffrey S. Hower, being first duly sworn under oath, disposes and says that I am the Petitioner named in the foregoing Petition, that I have read it, know the contents therein, and that the facts therein contained are accurate and complete to the best of my knowledge and belief.



(Signature of Petitioner)

Subscribed and sworn before me this 25th day of February, 2011.





Notary Public

I certify that a copy of the foregoing Petition was served upon the Commissioner of Education, by certified mail, return receipt requested at the following address: 301 Centennial Mall South, P.O. Box 94987, Lincoln, NE 68509-4987

Dated this _____ day of _____, 20____.

(Signature of Respondent)

Nebraska Educator's Certificate/Permit

The person listed below has met all the Nebraska requirements for a certificate/permit as specified hereon.

JEFFRY S. HOWER

107 RIVERVIEW DR.
PHILLIPS, NE 68865

Certificate/Permit Types and Related Endorsements	Effective Date	Expiration Date	Limitations
CERTIFICATE: 2002000842 STANDARD TEACHING CERTIFICATE ENGLISH 7-12 ENGLISH AS 2ND LANG K-12	05/01/2002	08/31/2009	
CERTIFICATE: 2005004773 STANDARD ADMINISTRATIVE CERTIFICATE ENGLISH 7-12 ENGLISH AS 2ND LANG K-12 PRINCIPAL 7-12	06/28/2005 06/28/2005	08/31/2012	



[Signature]
Commissioner of Education

[Signature]
Administrator of Certification

GENERAL INFORMATION

Nebraska certificates to teach, provide special services, and administer in elementary and secondary schools are issued under the authority vested in the State Board of Education in Nebraska Revised Statutes, Section 79-808, which provides:

The board shall establish, adopt, and promulgate appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, suspension, and revocation of certificates and permits to teach, provide special services, and administer based upon (a) earned college credit in humanities, social and natural sciences, mathematics, or career and technical education, (b) earned college credit, or its equivalent in professional education, for particular teaching, special services, or administrative assignments, (c) criminal history record information if the applicant has not been a continuous Nebraska resident for five years immediately preceding application for the first issuance of a certificate, (d) human relations training, (e) successful teaching, administration, or provision of special services, and (f) moral, mental, and physical fitness for teaching, all in accordance with sound educational practices.

Rules and procedures for issuance and renewal of certificates and endorsements are contained in the Nebraska Department of Education Rules 21, 23, and 24. Current versions of these rules can be found at the NDE website: www.nde.state.ne.us.

ELIMINATION OR REPLACEMENT OF ENDORSEMENTS

An endorsement you previously held might not appear on your certificate due to the elimination of the endorsement in Rule 24 or it may have been replaced with new terminology.

REGISTRATION OF YOUR CERTIFICATE

Nebraska Revised Statutes, Section 79-804 provides:

Each teacher or administrator shall register his or her certificate with the public, private, denominational or parochial school in which the teacher or administrator is employed. The superintendent or administrator of the school shall endorse upon the certificate that it has been registered and the date of registration. Such registration shall be without fee. No employment of a teacher or administrator shall be valid until the certificate is so registered.

REGISTRATION RECORD

Date	School or System of Employment	Administrator
7/5/05	Grand Island Public Schools	Wayne Stueb (B)

NEBRASKA DEPARTMENT
OF EDUCATION

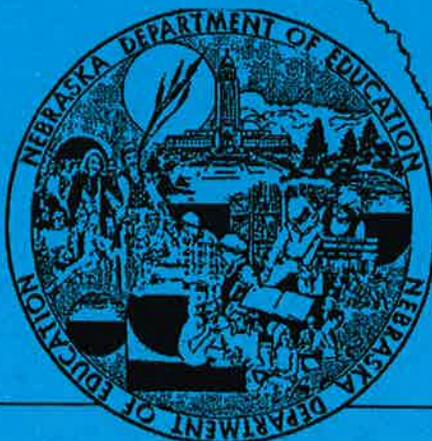
RULE 27

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CRITERIA

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27

EFFECTIVE DATE
November 12, 2003
(REVISED)

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner



NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 2

REGULATIONS CONCERNING TEACHER AND
ADMINISTRATOR CERTIFICATE REINSTATEMENT



Effective Date
October 30, 1993

